

Court ADR Programs in Domestic Relations Cases

2004 Annual Report

Indiana Judicial Center
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**Domestic Relations Committee
Judicial Conference of Indiana**

Hon. David A. Ault
Montgomery Superior Court

Hon. Keith A. Meier
Warrick Superior Court #1

Hon. David Bonfiglio
Elkhart Superior Court #6

Hon. Robyn L. Moberly
Marion Superior Court #12

Hon. David C. Chapleau
St. Joseph Superior Court

Mag. Nanette Raduenz
Lake Superior Court, Room 3

Hon. Thomas J. Felts
Allen Circuit Court

Hon. Michael P. Scopelitis, Chair
St. Joseph Superior Court

Hon. Mary Margaret Lloyd
Vanderburgh Superior Court

Hon. Nicholas L. South
Scott Superior Court

Hon. Roderick D. McGillivray
Bartholomew Superior Court #2

Hon. Richard G. Striegel
Senior Judge

Special Thanks:

A special thanks goes to Judge Thomas J. Felts, Allen Circuit Court. Because of his untiring efforts in the development and implementation of the Court ADR program, it exists on a statewide basis today. Indiana's families in many counties are helped by his efforts to reduce acrimony in dissolution proceedings and take the adversarial system out of the process. The ADR program permits families to craft their own solutions to problems in domestic relations cases.

Through his hard work and coordination efforts, the program evolved in Allen County from its beginning with Judge Thomas L. Ryan and was brought to the attention of the Indiana General Assembly. He transmitted the program through education to others state wide, and it continues to evolve throughout the state. He continues to educate judges, attorneys and others about the benefits of the program.

Staff:

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Alternative Dispute Resolution Fund in Domestic Relations Cases

History of Development

Alternate Dispute Resolution in domestic relations cases began by courts as a pilot project authorized by the Commission on Courts in Allen Circuit Court in 1997. The pilot project was authorized by law to collect a \$20.00 fee at the filing of a dissolution case. The money was used for mediation services ordered by the court. The project was originally authorized from January 1, 1998 through July 1, 2000. The Judicial Conference of Indiana was charged with monitoring the pilot program by receipt of a report each year and assigned this duty to the Domestic Relations Committee.

These reports charted the progress of Allen County's program noting differing strategies used to help families. The basic concept tested was whether mediation provided to spouses at the beginning of a dissolution case would prevent lengthy adversarial court hearings over custody and parenting time. The concept was successful, greatly reducing the need for hearings at the beginning of the case and after the dissolution was granted. The length of time reserved for Allen Circuit Court in divorces was greatly reduced by use of this process.

The pilot program was reauthorized in 2000 from July 1, 2000 through July 1, 2002. The statute authorizing the pilot program expired in 2002. In 2002, authorization for the pilot project in Allen County ended. However, efforts were already underway to permit the use of this program and funding mechanism by courts statewide. The Indiana General Assembly passed House Enrolled Act 1034 in 2003, authorizing for the first time the creation of alternate dispute resolution programs in domestic relations cases in each of Indiana's 92 counties. The act was effective on July 1, 2003.

Seven (7) counties submitted plans to operate a program by January 2004, in Allen, Henry, Marion, Monroe, Porter, Putnam, and Starke counties. By January 2005, fourteen (14) counties had ADR programs, which included participation of twenty-six (26) courts.

Present ADR Program

The Alternative Dispute Resolution Program in Domestic Relations cases under Indiana Code § 33-4-13 permits a county to collect a \$20.00 fee from a party filing for a legal separation, paternity or dissolution case. This fee is placed in a separate fund and may be used for mediation, reconciliation, nonbinding arbitration and parental counseling in the county in which it is collected. The circuit court and superior courts in the county have separate funds for this program, although under pending legislation, the courts will be permitted to combine these funds. Persons below the federal poverty level are four times more likely to participate in the program than those above the federal poverty level.

Courts in any county wishing to participate in this program must develop a plan to provide mediation, reconciliation, nonbonding arbitration and/or parental counseling in domestic relations and/or paternity cases. The plan must be approved by a majority of the judges in the

county and be submitted to the Judicial Conference of Indiana. The Division of State Court Administration must approve the plan under ADR Rule 1.11 also. The Division uses the Standards and Guidelines for the Establishment of Alternative Dispute Resolution Fund Plans developed by the Domestic Relations Committee of the Judicial Conference of Indiana for approval of each county's plan.

Types of ADR Programs

The Division of State Court Administration approved plans in the following areas: mediation services for litigants (Allen, Henry, Brown, Jackson, Lawrence, Porter and Tippecanoe counties); four (4) free mediation days each year (Allen County); payment for training of attorneys and others in exchange for handling a number of mediation cases in a set period of time (Allen, Lake and Monroe counties); payment of an administrator to provide intake services, educate parties about the process, and distribute cases to mediators (Porter, Monroe and Henry counties); parental counseling (Boone, Henry, Lake, Porter, Starke and Tippecanoe counties) and other ADR services. Courts in various counties are creative in the use of the ADR funds to provide a wide range of alternative dispute resolution services under the statute including facilitation, conflict resolution classes, anger management classes, parenting coordination and intensive in-home case management, all which fall under the general categories of parental counseling and reconciliation listed in the ADR statute. (Boone, Brown, Henry, Lawrence, Porter, Putnam and Tippecanoe counties)

Website for ADR Programs

A website containing the following helpful information to courts seeking to develop their own ADR plan contains:

- Standards and Guidelines for the Establishment of ADR Fund Plans
- Frequently Asked Questions about the Allen County ADR Project
- Sample Budget for ADR Fund
- Sample Mediation Order

Other information is also available at this website. See:

http://www.in.gov/judiciary/center/committees/dom_rel/adr/index.html

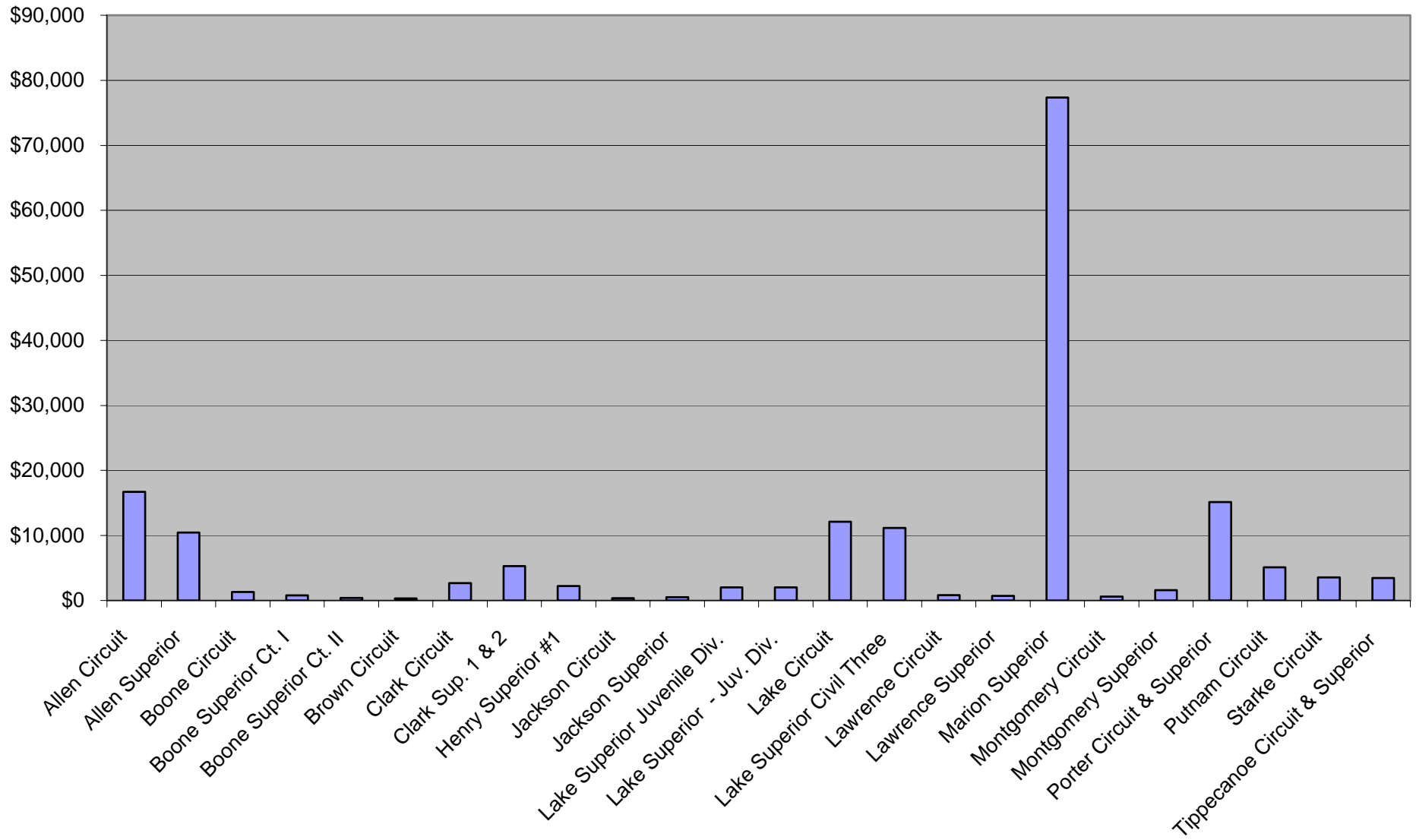
Annual Reports

Each year every county participating in the program must report the results of the program to the Judicial Conference of Indiana. This following information is compiled from those reports:

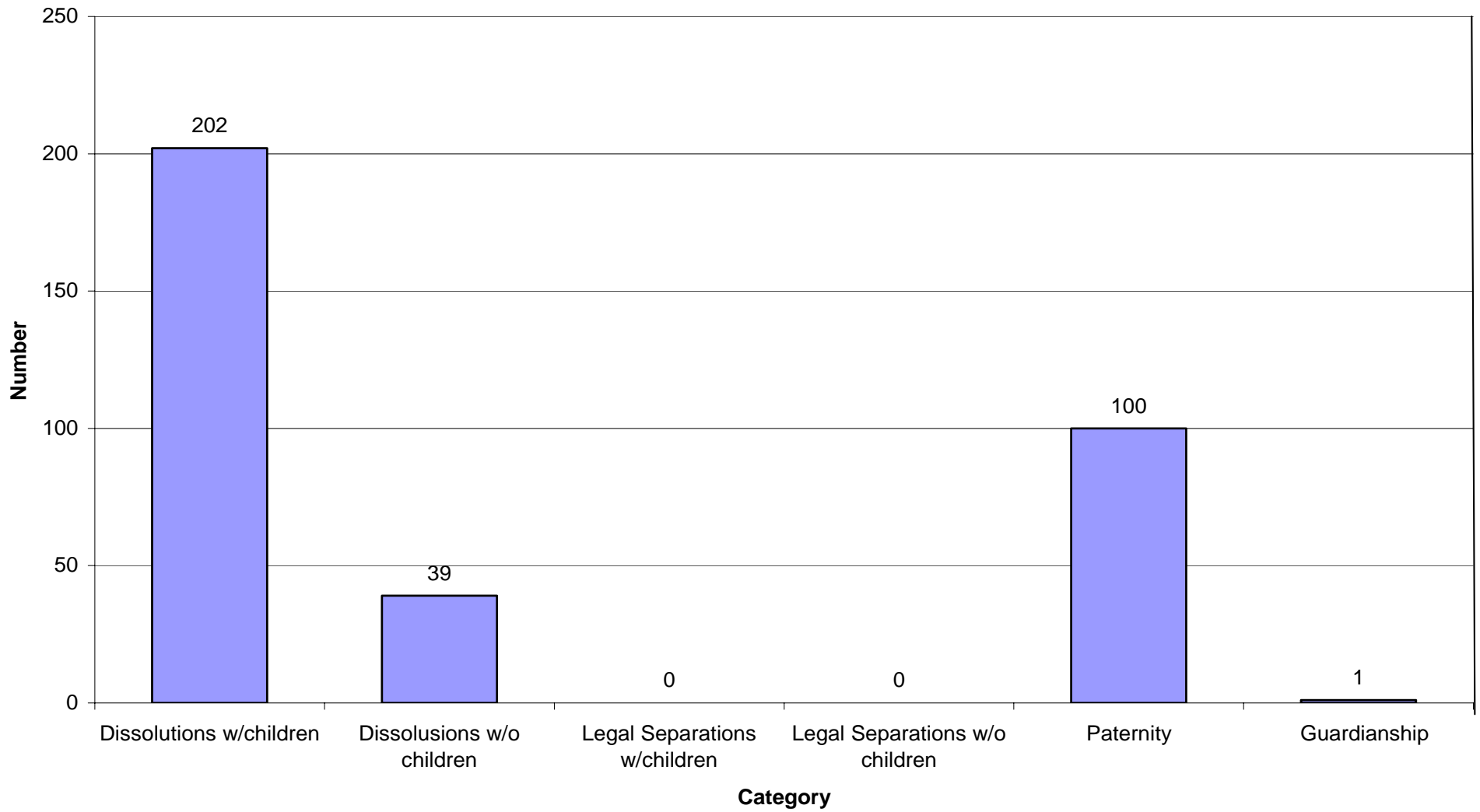
1. Total Amount of Fees Generated by the ADR Plans
2. Total Number and Types of Cases Accepted from December 2003 Through November 2004
3. Cases Accepted Based On Poverty Level
4. Method of Resolution of ADR Plan Cases

For more information about these programs, contact Jeffrey Bercovitz, Indiana Judicial Center, (317) 232-1313, jbercovi@courts.state.in.us or Leslie Rogers, Division of State Court Administration, (317) 232-2542, lrogers@courts.state.in.us.

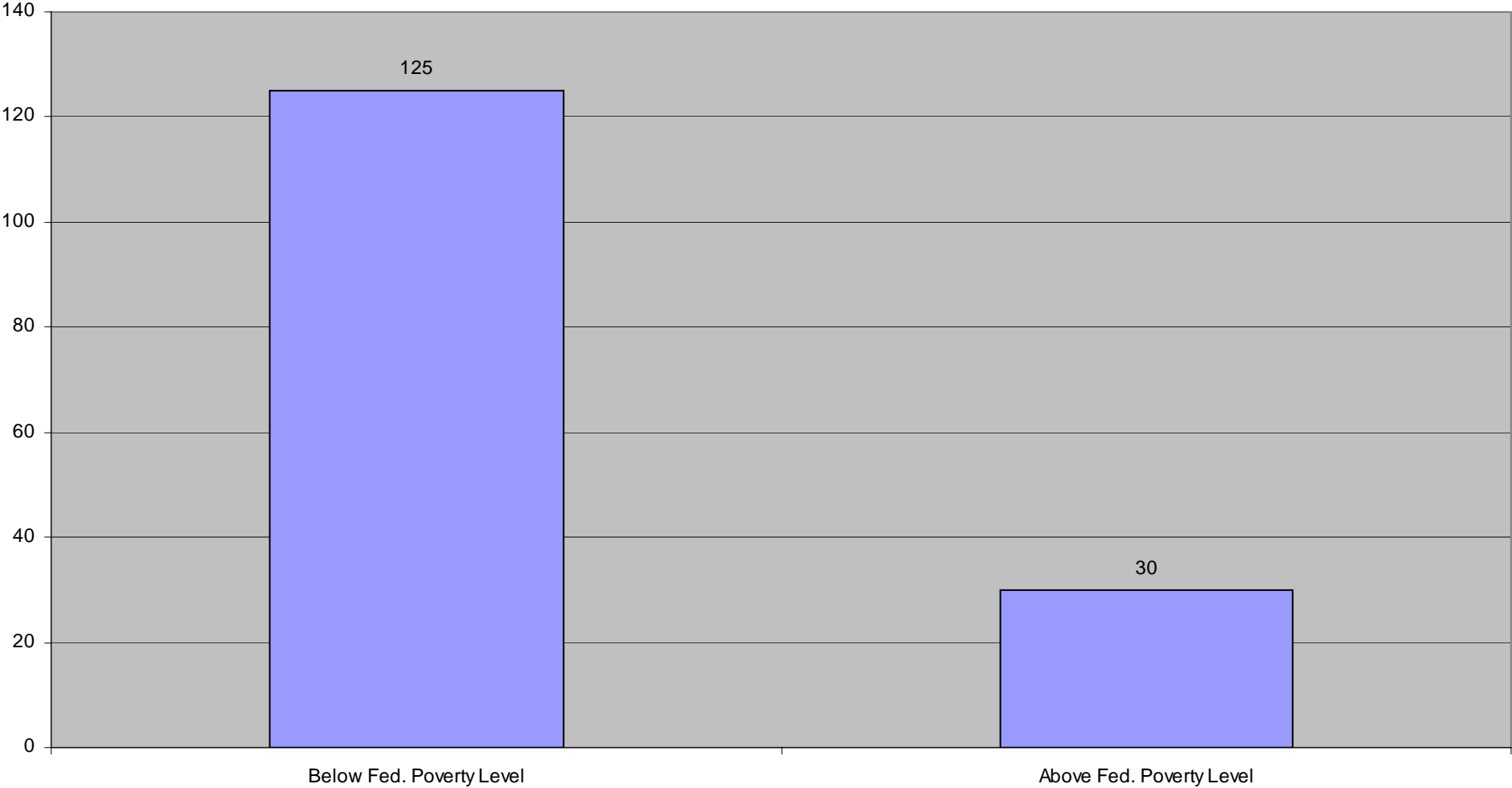
Total Amount of Fees Generated By ADR Plans By Court



**Total Number and Types of Cases Accepted
December 2003 Through November 2004**



Cases Accepted Based Upon Poverty Level



Method of Resolution of ADR Plan Cases

